

House Bill 1647 (AS PASSED HOUSE AND SENATE)

By: Representative Smith of the 113th

A BILL TO BE ENTITLED

AN ACT

1 To provide a homestead exemption from Oconee County ad valorem taxes for the full value
2 of the homestead for residents of that county who are 65 years of age or over and whose
3 gross household income exceeds \$40,000.00; to provide for definitions; to specify the terms
4 and conditions of the exemption and the procedures relating thereto; to provide for
5 applicability; to provide for the specific repeal of a certain prior homestead exemption; to
6 provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 (a) As used in this Act, the term:

11 (1) "Ad valorem taxes" means all ad valorem taxes levied by, for, or on behalf of Oconee
12 County, except for ad valorem taxes to pay interest on and to retire county or school
13 district bonded indebtedness.

14 (2) "Base year" means the taxable year immediately preceding the taxable year in which
15 the exemption under this Act is first granted to the most recent owner of such homestead.

16 (3) "Gross household income" means gross household income as defined and qualified
17 in Code Section 48-5-71 of the O.C.G.A., as amended.

18 (4) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
19 the O.C.G.A., as amended, with the additional qualification that it shall include only the
20 primary residence and not more than five contiguous acres of land immediately
21 surrounding such residence.

22 (5) "Senior citizen" means a person who is 65 years of age or over on or before January
23 1 of the year in which application for the exemption under this Act is made.

24 (b)(1) Each resident of Oconee County who is a senior citizen is granted an exemption
25 on that person's homestead from all Oconee County ad valorem taxes in an amount equal

1 to the amount by which the current year assessed value of that homestead exceeds the
2 base year assessed value of that homestead. This exemption shall not apply to taxes
3 assessed on improvements to the homestead or additional land that is added to the
4 homestead after January 1 of the base year. If any real property is added or removed from
5 the homestead, the base year assessed value shall be adjusted to reflect such addition or
6 removal and the exemption shall be recalculated accordingly. The value of that property
7 in excess of such exempted amount shall remain subject to taxation. The exemption
8 under this subsection shall only be granted if that person's gross household income
9 exceeds \$40,000.00 for the immediately preceding year. A person shall not receive the
10 homestead exemption unless the person files an affidavit with the tax commissioner
11 giving such information relative to receiving such exemption as will enable the tax
12 commissioner to make a determination as to whether such person is entitled to such
13 exemption. The tax commissioner shall provide affidavit forms for this purpose and shall
14 require such information as may be necessary to determine the initial and continuing
15 eligibility of the applicant for the exemption.

16 (c) For taxable years beginning on or after January 1, 2009, the amount of such income
17 qualification as specified in subsection (b) of this section shall be adjusted annually by the
18 tax commissioner of Oconee County in a percentage amount equal to the most recently
19 available federal Social Security Cost of Living Adjustment percentage.

20 (d) In order to qualify for the exemption provided for in this Act, the person claiming such
21 exemption shall make an application with the tax commissioner of Oconee County. The tax
22 commissioner or the designee thereof shall provide application forms for the exemption
23 granted by this Act and shall require such information as may be necessary to determine the
24 initial and continuing eligibility of the owner for the exemption. No person shall receive the
25 benefits of the exemption provided for in this Act without giving proof of age, amount of
26 income, and if disabled, a certification of disability, and if such person owns a motor vehicle,
27 no exemption shall be granted unless the motor vehicle has been returned as provided in
28 Code Section 48-5-444 of the O.C.G.A.

29 (e) The exemption shall be claimed and returned in the same manner and time as other
30 homestead exemptions as provided in Code Section 48-5-50.1 of the O.C.G.A., and shall be
31 automatically renewed from year to year as long as the owner occupies the homestead and
32 remains qualified according to the requirements as set forth in this Act. It shall be the duty
33 of any person granted the homestead exemption under this Act to notify the tax commissioner
34 of Oconee County or the designee thereof in the event that person becomes ineligible for any
35 reason for that exemption. The failure of a person to timely apply for the exemption shall

1 constitute a waiver on the part of that person to make application for such exemption for that
2 year.

3 (f) The exemption granted by subsection (b) of this section shall not apply to or affect any
4 state ad valorem taxes. The homestead exemption granted by this Act shall be in lieu of and
5 not in addition to any other homestead exemption applicable to Oconee County ad valorem
6 taxes.

7 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years
8 beginning on or after January 1, 2008.

9 **SECTION 2.**

10 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
11 superintendent of Oconee County shall call and conduct an election as provided in this
12 section for the purpose of submitting this Act to the electors of Oconee County for approval
13 or rejection. The election superintendent shall conduct that election on the date of the
14 November, 2006, state-wide general election and shall issue the call and conduct that election
15 as provided by general law. The election superintendent shall cause the date and purpose of
16 the election to be published once a week for two weeks immediately preceding the date
17 thereof in the official organ of Oconee County. The ballot shall have written or printed
18 thereon the words:

19 "() YES Shall the Act be approved which provides a homestead exemption from
20 Oconee County ad valorem taxes in an amount equal to the amount by
21 () NO which the assessed value of that homestead for the current year exceeds the
22 base year assessed value of that homestead for residents of Oconee County
23 who are 65 years of age or over and whose household gross income exceeds
24 \$40,000.00?"

25 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
26 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
27 such question are for approval of the Act, Section 1 of this Act shall become of full force and
28 effect on January 1, 2007. If the Act is not so approved or if the election is not conducted
29 as provided in this section, Section 1 of this Act shall not become effective and this Act shall
30 be automatically repealed on the first day of January immediately following that election
31 date. The expense of such election shall be borne by Oconee County. It shall be the election
32 superintendent's duty to certify the result thereof to the Secretary of State.

33 **SECTION 3.**

1 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
2 its approval by the Governor or upon its becoming law without such approval.

3 **SECTION 4.**

4 All laws and parts of laws in conflict with this Act are repealed.